

85-46-A
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.38 (SECTION III (C.3)) to 2
TO PERMIT A SIDE STREET SETBACK OF 9 FT.
IN LIEU OF THE REQUIRED 15 FT. AND FRONT
SETBACK OF 24 FT. IN LIEU OF THE REQUIRED 25 FT.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
DUE TO LARGE FAMILY MORE ROOM IS NEEDED

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
City and State
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
City and State
Name
Address
Phone No.

Legal Owner(s):
LEONARD J. SEEBACH, JR.
(Type or Print Name)
Signature
City and State
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
City and State
Name
Address
Phone No.

300 MARDO RD. 21227
BALTIMORE, MD. 21227
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
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RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner Mardo & Alma Rds.
(300 Mardo Rd.), : OF BALTIMORE COUNTY
13th District
LEONARD J. SEEBACH, JR., : Case No. 85-46-A
et ux, Petitioners

ENTRY OF APPEARANCE

Please appear at the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Leonard J. Seebach, Jr., 300 Mardo Rd., Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

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BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE
PETITION AND SITE PLAN
EVALUATION COMMENTS

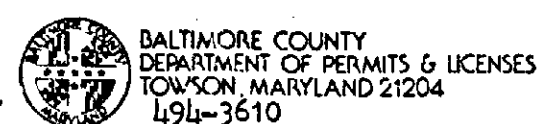
BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
August 10, 1984
Mr. & Mrs. Leonard J. Seebach, Jr.
300 Mardo Road
Baltimore, Maryland 21227
RE: Case No. 85-46-A (Item No. 361)
Petitioner - Leonard J. Seebach, Jr., et ux
Variance Petition
Dear Mr. & Mrs. Seebach:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
Very truly yours,
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee
NBC:bsc
Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204
HARRY J. PISTEL R. E.
DIRECTOR
July 23, 1984
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Dear Mr. Jablon:
The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.
General:
As no public facilities are involved, this office has no comment.
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.
Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.
Very truly yours,
Gilbert S. Benson, P.E., Asst. Chief
Bureau of Public Services
GSB:RAM:ROP:BS

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GENDER
DIRECTOR
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
7-16-84
Re: Zoning Advisory Meeting of 7-10-84
Item # 367
Property Owner: Leonard J. Seebach, Jr., et ux
Location: NE Corner Mardo Ave. & Alma Rd.
Dear Mr. Jablon:
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.
[X] There are no site planning factors requiring comment.
[X] A County Review Group Meeting is required.
[X] A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
[X] This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
[X] A record plat will be required and must be recorded prior to issuance of a building permit.
[X] The access is not satisfactory.
[X] The circulation on this site is not satisfactory.
[X] The parking arrangement is not satisfactory.
[X] The parking calculations must be shown on the plan.
[X] This property contains soils which are defined as wetlands, and development on these soils is prohibited.
[X] Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
[X] Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
[X] The amended Development Plan was approved by the Planning Board on 7/10/84.
[X] Landscaping should be provided on this site and shown on the plan.
[X] The property is located in a deficient service area as defined by Bill 176-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
[X] The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 176-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
[X] Additional comments:
Eugene A. Boker
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR
July 10, 1984
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Item No. 364, 365, 366, 367, 369, 370, 1, and 3 ZAC Meeting of July 10, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:
Acres:
District:
Dear Mr. Jablon:
The Department of Traffic Engineering has no comments for item numbers 364, 365, 366, 367, 369, 370, 1, and 3.
Michael S. Flanagan
Traffic Engineering Assoc. II
MSF/cdm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. RENCKE
CHIEF
July 18, 1984
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204
Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee
RE: Property Owner: Leonard J. Seebach, Jr., et ux
Location: NE/Cor. Mardo Ave. and Alma Rd.
Item No.: 367
Zoning Agenda: Meeting of 7/10/84
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
[X] 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
[X] 2. A second means of vehicle access is required for the site.
[X] 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
[X] 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
[X] 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
[X] 6. Site plans are approved, as drawn.
[X] 7. The Fire Prevention Bureau has no comments, at this time.
Noted and Approved: George M. McQuinn
Fire Prevention Bureau
Special Inspection Division
/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
434-3610

THE ZONING
COMMISSIONER
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Comments on Item 367 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Leonard J. Seebach, Jr. et ux
Location: NE/C Mardo Avenue
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side street setback of 9' in lieu of 15'
Acres: 57/60, ss x 147, 00/156, 85
District: 13th

The items checked below are applicable:

☒ All structure shall conform to the Baltimore County Building Code 1981/
Council Bill 1-81 and the Baltimore County Zoning Regulations and other applicable codes.

☒ A building and/or other miscellaneous permits shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line, see Table 1602, line 2, Section 1607 and Table 1602.

F. Requested variance conflicts with the Baltimore County Building Code, Section 1602.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1601.

☒ Comments: ALL SLEEPING ROOMS shall have a window in compliance with Section 211 of the One Two Family Code effective 8-29-84 of the 1981 B.O.C.A. Basic Building Code.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #122 (Plan Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham, Chief
Plan Review

CEB:rcj
FOUR 02-82

IN RE: PETITION ZONING VARIANCE
NE/corner of Mardo and Alma
Roads (300 Mardo Road) -
13th Election District
Leonard J. Seebach, Jr.,
et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-46-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of nine feet instead of the required 15 feet and a front yard setback of 24 feet instead of the required average setback of 25 feet in order to construct an addition to their dwelling, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, is a corner lot with a 28' x 25' single-story dwelling facing Mardo Avenue. The Petitioners propose to construct a 12' x 25' addition to the western side of the dwelling toward Alma Road to be used as a bedroom. With the recent birth of another child, the additional room is mandatory. The addition would result in a side yard setback of nine feet. The front yard variance is necessary due to the curvature of the property caused by it being a corner lot. The corner of the property is indeed curved, thereby requiring a setback of 24 feet.

The Petitioners seek relief from Section 1802.3.B (Section III.C.2 and 3, 1945 BCZR), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR). An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

McLester v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

UNDER RECEIVED FOR FILING
DATE August 21, 1984
BY [Signature]

UNDER RECEIVED FOR FILING
DATE August 21, 1984
BY [Signature]

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of August, 1984, that the Petition for Zoning Variances to permit a side yard setback of nine feet instead of the required 15 feet and a front yard setback of 24 feet instead of the required average setback of 25 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the

- 2 -

applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Leonard J. Seebach, Jr.

People's Counsel

ORDER RECEIVED FOR FILING
DATE August 21, 1984
BY [Signature]

July 24, 1984

Mr. & Mrs. Leonard J. Seebach, Jr.
300 Mardo Road
Baltimore, Maryland 21227

NOTICE OF HEARING

Re: Petition for Variance
NE/corner Mardo & Alma Rds. (300 Mardo Rd.)
Leonard J. Seebach, Jr., et ux - Petitioners
Case No. 85-46-A

TIME: 10:00 A.M.

DATE: Monday, August 20, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 131974
DATE 6/28/84 ACCOUNT P-21-115-200
AMOUNT 35.00
RECEIVED BY [Signature]
FOR [Signature]
1400000035001b 82744
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 1, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 85-46-A, 85-47-A,
85-48-A, 85-50-A, 85-51-A and 85-52-A

There are no comprehensive planning factors requiring comment on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

PETITION FOR VARIANCE

13th Election District

ZONING: Petition for Variance
LOCATION: Northeast corner Mardo and Alma Roads (300 Mardo Road)
DATE & TIME: Monday, August 20, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 9 ft. in lieu of the required 15 ft. and front yard setback of 24 ft. in lieu of the required average of 25 ft.

Being the property of Leonard J. Seebach, Jr., et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

**Office of
PATUXENT
Publishing Corp.**

10750 Little Patuxent Pkwy.
Columbia, MD 21044

August 2 19 84

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE
57791

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 4 day of August 19 84, that is to say,
the same was inserted in the issues of

August 2, 1984

PATUXENT PUBLISHING CORP.
By [Signature]



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

August 13, 1984

Mr. & Mrs. Leonard J. Seebach, Jr.
300 Mardo Road
Baltimore, Maryland 21227

Re: Petition for Variance
NE/corner Mardo & Alma Rds.
(300 Mardo Road)
Case No. 85-46-A

Dear Mr. & Mrs. Seebach:

This is to advise you that \$39.50 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

No. 133230

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 8-20-84 ACCOUNT R-01-615-000

AMOUNT \$39.50

RECEIVED Arnold J. Jablon, Jr.
FOR Adm. & Posting Case #85-46-A

6 014*****35501a b20af

VALIDATION OR SIGNATURE OF CASHIER

Commissioner of Zoning

Dear Sir,

We are applying for a variance to build a 12 ft. by 25 ft. addition onto the side of our house.

We are on a corner lot with a 15 foot setback which allows us only 7 feet from the side of our house in which to build. The variance we have applied for is for an additional 5 feet.

We have a great need for a third bedroom as we are in a small house with only 5 rooms, two of which are bedrooms. We have 2 boys in a small room - 8' x 11' and have just had our third child, a girl, and absolutely no place to put her. We are, for now, keeping her in a small bassinett in our room but within 3 months time she will have outgrown it and we will need a room for her. We cannot afford a larger home at this time and building this room onto the side of our house is not only the most economical way of doing it -

but will also give us easier access to our children's bedrooms should an emergency occur.

The reason we are writing to you, explaining our situation is to request, actually plead, for a speedy hearing, if at all possible.

We have figured that even if granted the variance, it will take us a minimum of 2 months to complete the addition and make it useable.

We don't believe there will be any complaints as we would be building off the street side of our house, next to no immediate neighbors and the people living across the street and around us have already voiced their approval to our plans.

At any rate, if it is at all possible that we might receive a speedy hearing date, we would be most grateful.

Thank you for your consideration in reading this and we will look forward with great anticipation to hearing from you.

Sincerely,
Mr. & Mrs. Leonard Seebach

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of June, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner Leonard J. Seebach, Jr.
Petitioner's Attorney

Received by Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

85-46-A

District 13th Date of Posting 8-3-84

Posted for: Variance

Petitioner: Leonard J. Seebach, Jr.

Location of property: NE corner Mardo and Alma Roads
1300 Mardo Road

Location of Sign: NE corner of Mardo and Alma Roads
in front of 300 Mardo Road

Remarks: See Note

Posted by: [Signature] Date of return: 8-14-84

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 2, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 2, 1984.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising 18.00

PETITION FOR VARIANCE
13th Election District
ZONING: Petition for Variance
LOCATION: Northeast corner
Mardo and Alma Roads (300
Mardo Road)
DATE & TIME: Monday, August
20, 1984 at 10:00 A.M.
PLACE: 111 W. Chesapeake Avenue,
Towson, Maryland
111 W. Chesapeake Avenue,
Towson, Maryland
In the event that this Petition
is granted, a building permit may be
issued on this lot. The lot is
zoned R-1. The proposed addition
is 12 feet wide and 25 feet deep.
The existing house is 28 feet
wide and 28 feet deep.
In the event that this Petition
is not granted, the building permit
application may be withdrawn.
The zoning department will
advise the petitioner of the
decision of the zoning commission.
BY ORDER OF
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Aug. 2, 1984

